

Message

From: Dorka, Lilian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AF796221E00A4A338CEA3C72ADB0D057-DORKA, LILL]
Sent: 2/10/2015 11:51:03 PM
To: Golightly-Howell, Velveta [Golightly-Howell.Velveta@epa.gov]; Helena Wooden-Aguilar
CC: Dayna Bowen Matthew
Subject: FW: URGENT For Your Review: Business Alabama Magazine Response

Importance: High

Hi Helena and Velveta – I think our response needs to be briefer and respond to the question specifically and not add on, with the exception of correcting the numbers. Here is what I suggest:

Question:

I would like to have an update on a civil rights complaint that was filed with the EPA regarding the Arrowhead Landfill in Perry County, Alabama.

This is how my story now concludes:

In a rare move, the EPA accepted the case for review and sent investigators to Perry County in August 2014. EPA spokeswoman Jennifer Colaizzi told the Tuscaloosa News only eight out of 100 such civil rights complaints had been accepted for investigation since 2003. She also said it would take time. An answer to the complaint by the EPA is still pending.

Please let me know if any action has been taken by EPA regarding that complaint.

OCR Response:

EPA's Office of Civil Rights (OCR) continues to investigate a complaint alleging that the actions taken by the Alabama Department of Environmental Management (ADEM) with respect to the permit and permit modification issued to construct, operate and expand the Arrowhead Landfill, violates Title VI of the Civil Rights Act of 1964 in that they adversely and disparately impact African-American residents in the surrounding community. It is important to note that the acceptance of a complaint for investigation in no way implies that the EPA has made any finding with respect to the merits of the allegations. As this case is currently under investigation, EPA cannot provide any additional information.

In addition, please note that the statement that "only eight complaints have been accepted for investigation since 2003," is not accurate. Please visit the link below for the most recent information regarding currently open cases. OCR updates the case docket website rolling basis.

<http://www2.epa.gov/ocr/complaints-filed-epa-under-title-vi-civil-rights-act-1964>

From: Wooden-Aguilar, Helena
Sent: Tuesday, February 10, 2015 5:15 PM
To: Matthew, Dayna; Dorka, Lilian
Subject: Fwd: For Your Review: Business Alabama Magazine Response

FYI. Can you pls help me bring this to Velveta's attention?

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA

Ex. 6 Personal Privacy (PP)

wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>
Date: February 10, 2015 at 2:19:46 PM EST
To: "Golightly-Howell, Velveta" <Golightly-Howell.Velveta@epa.gov>, "Dorka, Lilian" <Dorka.Lilian@epa.gov>, "Matthew, Dayna" <Matthew.Dayna@epa.gov>
Cc: "Martinez, Brittany" <Martinez.Brittany@epa.gov>, "Covington, Jeryl" <Covington.Jeryl@epa.gov>, "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>, "Rhodes, Julia" <Rhodes.Julia@epa.gov>, "Gsell, Alyssa" <Gsell.Alyssa@epa.gov>
Subject: For Your Review: Business Alabama Magazine Response

Velveta-

Below is a proposed response to the press inquiry. I have circled with Julia in Civil Rights Practice Group. Please let me know what you think.

Helena

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EPA's Office of Civil Rights (OCR) continues to investigate an alleged violation of Title VI of the Civil Rights Act of 1964, as amended 42 U.S.C. 2000d et seq, and the EPA's implementing regulations found at 40 C.F.R. Part 7 by the Alabama Department of Environmental Management (ADEM).

The complaint and the EPA's acceptance letter are available on the OCR website <http://www2.epa.gov/ocr/complaints-filed-epa-under-title-vi-civil-rights-act-1964-case-12r-13-r4>.

EPA is committed to thoroughly evaluating all allegations accepted for investigation. The OCR has traveled to Alabama and interviewed complainants represented by Earthjustice and requested and received information from ADEM.

As part of its investigation, the EPA may attempt to informally resolve the complaint. In the event of a finding of discrimination, and pursuant to 40 C.F.R. § 7.130, if the EPA cannot obtain voluntary compliance, the EPA may use any means authorized by law to get compliance. We are unable to provide any further information on matters currently under investigation.

Lastly, the statement that "only eight complaints have been accepted for investigation since 2003" is not accurate. Please visit the link below for the most recent information. OCR updates the case docket website rolling basis.

<http://www2.epa.gov/ocr/complaints-filed-epa-under-title-vi-civil-rights-act-1964>

From: Colaizzi, Jennifer C.
Sent: Friday, February 06, 2015 10:18 AM
To: Wooden-Aguilar, Helena; Dorka, Lilian
Subject: Fwd: Business Alabama magazine

Ladies:
 Deadline for this is Feb 9.
 Reporter: Chris McFadyen
 Outlet: Business Alabama magazine
 Q is below background.

Here is a background/response we sent to another reporter a few months ago. Is it still good and do we have anything to add? BTW - not sure how I was originally quoted as saying 8 complaints, since my email to Tuscaloosa News never mentioned this. I'd like to make sure we set the record straight. Also, I am not working today, but if you send approved response, I'll check email and have it vetted through OPS.

The statement that only eight complaints have been accepted for investigation since 2003 is not correct. Of 177 complaints received by the EPA's Office of Civil Rights (OCR) since 2003, thirty-seven have been accepted for investigation. Most of this information can be verified by the public on the OCR case docket website at:

<http://www2.epa.gov/ocr/complaints-filed-epa-under-title-vi-civil-rights-act-1964>

The docket shows the current status of each case.

Some of the cases that had been accepted by EPA do not show a status of "Accepted" because the investigation has beyond that stage. The docket shows nine cases with the current status of "Accepted." It also shows twenty-four complaints that were dismissed after being accepted, and four that went through informal resolution following their acceptance.

Please note that the cited website has not been updated since January, 2014, so not all of the existing data are available. OCR, however, is currently updating the docket. Additional information for each complaint can be obtained through the Freedom of Information Act website at:

<https://foiaonline.regulations.gov/foia/action/public/home>

Q:

I would like to have an update on a civil rights complaint that was filed with the EPA regarding the Arrowhead Landfill in Perry County, Alabama.

This is how my story now concludes:

In a rare move, the EPA accepted the case for review and sent investigators to Perry County in August 2014. EPA spokeswoman Jennifer Colaizzi told the Tuscaloosa News only eight out of 100 such civil rights complaints had been accepted for investigation since 2003. She also said it would take time. An answer to the complaint by the EPA is still pending. Please let me know if any action has been taken by EPA regarding that complaint.

Thanks,
Chris

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